

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

JESSIE A. QUINONES-TORRES,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No. 04-1528 (JAF)

O R D E R

Petitioner, Jessie Quinones-Torres, requests a certificate of appealability from this court to appeal our denial on May 25, 2005, of his 28 U.S.C. § 2255 petition. Docket Document No. 12; see 28 U.S.C. § 2253(c)(2) (1994 & Supp. 2005). A certificate of appealability may be granted only upon a substantial showing of the denial of a constitutional right. 28 U.S.C. §§ 2253(c)(2) and (3).

Upon reviewing the record, we find Petitioner's claim entirely insubstantial for the reasons stated in the Magistrate Judge's Report and Recommendation. Docket Document No. 11. Accordingly, we **DENY** Petitioner's request for a certificate of appealability.

IT IS SO ORDERED.

San Juan, Puerto Rico, this day of October, 2005.

s/ José Antonio Fusté
JOSE ANTONIO FUSTE
Chief U. S. District Judge